

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 637 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

RAMCHANDRA V RAV

Appearance:

MR HARDIK C RAWAL for Petitioner
RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 22/06/2001

ORAL JUDGEMENT

By this Special Civil Application, the petitioner
G.S.R.T. Corporation assails the order dated 29th July
1988 passed by the Industrial Tribunal setting aside the
order dated 17-8-1979 passed in Second Appeal reducing
the recovery of the amount from Rs. 513/- to Rs. 256.50.
The Industrial Tribunal while setting aside the recovery
also directed the amount to be refunded within one month
of the publication of the award.

2. The facts emerging from the record are that respondent Ramchandra V. Rav was working as Traffic Controller and was on duty on transshipment at Chandola Depo from 28.12.1976. During the duty hours the respondent received parcels for transshipment from Pune to Mehsana. That one parcel came to be misplaced and the liability for the same was fastened on the respondent by the competent authority which led to the recovery of the aforesaid amount. This order came to be challenged by the respondent before the first appellate authority. The appeal came to be dismissed which order was further carried to the second appellate authority - appellate board and the amount of recovery came to be reduced to Rs. 256.50 ps from Rs.513/-. The respondent being aggrieved with the order of recovery of Rs. 256.50 carried the matter further to the Industrial Tribunal by raising an industrial dispute and the Tribunal set aside the order passed in Second Appeal which had imposed recovery of Rs. 256.50. It is this order which is challenged in this Special Civil Application by GSRT.

3. The incident occurred on 28.12.1976. It is not disputed by the learned counsel for the petitioner that there was nothing wrong with the respondent receiving the parcel. It is also not disputed that one of the parcels, out of the 5 parcels from Una to Sihor was lost. It is not disputed that there was some mistake in checking the parcels. It has been fairly stated by the learned counsel for the petitioner that another employee had to check the parcel. Under the circumstances the order passed by the Industrial Tribunal does not deserve to be interfered with on merits. No illegality has been suggested in the impugned order and the Special Civil Application being devoid of substance is liable to be dismissed. Petition dismissed accordingly with no order as to costs. Rule discharged.

rmr. [N.G. Nandi, J.]

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